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13 Attorneys for Plaintiff,
 14 Samantha McLaughlin

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 Samantha McLaughlin,

18 Plaintiff,

19 vs.
 20

21 Enhanced Recovery Company, LLC; and
 22 DOES 1-10, inclusive,

23 Defendants.
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 27
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CV 11 Case No.:

1713

COMPLAINT FOR DAMAGES
1. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET. SEQ;
2. VIOLATION OF FAIR DEBT
COLLECTION PRATICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.

JURY TRIAL DEMANDED

1 For this Complaint, the Plaintiff, Samantha McLaughlin, by undersigned
2 counsel, states as follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the invasions of
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to
8 collect a consumer debt.
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
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12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Samantha McLaughlin (hereafter "Plaintiff"), is an adult
18 individual residing in Hidden Valley Lake, California, and is a "consumer" as the term
19 is defined by 15 U.S.C. § 1692a(3).
20

21 5. Defendant Enhanced Recovery Company, LLC ("Enhanced"), is a
22 Florida business entity with an address of 8014 Bayberry Road, Jacksonville, FL
23 32256, operating as a collection agency, and is a "debt collector" as the term is
24 defined by 15 U.S.C. § 1692a(6).
25

26 6. Does 1-10 (the "Collectors") are individual collectors employed by
27 Enhanced and whose identities are currently unknown to the Plaintiff. One or more of
28

1 the Collectors may be joined as parties once their identities are disclosed through
2 discovery.

3
4 7. Enhanced at all times acted by and through one or more of the Collectors.

5
6 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

7 **A. The Debt**

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9 8. The Plaintiff incurred a financial obligation (the "Debt") to an original
10 creditor (the "Creditor").

11 9. The Debt arose from services provided by the Creditor which were
12 primarily for family, personal or household purposes and which meets the definition
13 of a "debt" under 15 U.S.C. § 1692a(5).

14 10. The Debt was purchased, assigned or transferred to Enhanced for
15 collection, or Enhanced was employed by the Creditor to collect the Debt.
16

17 11. The Defendants attempted to collect the Debt and, as such, engaged in
18 "communications" as defined in 15 U.S.C. § 1692a(2).
19

20
21 **B. Enhanced Engages in Harassment and Abusive Tactics**

22
23 12. On December 1, 2010, Enhanced left a message on Plaintiff's residential
24 answering machine in which they identified themselves as debt collectors and stated
25 that they were "attempting to collect a debt." The message was heard by Plaintiff's
26 children who are a third party.
27
28

1 **C. Plaintiff Suffered Actual Damages**

2
3 13. The Plaintiff has suffered and continues to suffer actual damages as a
4 result of the Defendants' unlawful conduct.

5
6 14. As a direct consequence of the Defendants' acts, practices and conduct,
7 the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety,
8 emotional distress, fear, frustration and embarrassment.

9
10 15. The Defendants' conduct was so outrageous in character, and so extreme
11 in degree, as to go beyond all possible bounds of decency, and to be regarded as
12 atrocious, and utterly intolerable in a civilized community.

13
14 **COUNT I**

15 **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

16 **15 U.S.C. § 1692, et seq.**

17
18 16. The Plaintiff incorporates by reference all of the above paragraphs of this
19 Complaint as though fully stated herein.

20
21 17. The Defendants informed third parties of the nature of Plaintiff's debt
22 and stated that the Plaintiff owed a debt, in violation of 15 U.S.C. § 1692b(2).

23
24 18. The Defendants employed false and deceptive means to collect a debt, in
25 violation of 15 U.S.C. § 1692e(10).

26
27 19. The foregoing acts and omissions of the Defendants constitute numerous
28 and multiple violations of the FDCPA, including every one of the above-cited
provisions.

20. The Plaintiff is entitled to damages as a result of the Defendants' violations.

COUNT II

**VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT, Cal. Civ. Code § 1788 et seq.**

21. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

22. The Rosenthal Fair Debt Collection Practices Act, California Civil Code section 1788 et seq. (“Rosenthal Act”) prohibits unfair and deceptive acts and practices in the collection of consumer debts.

23. Enhanced Recovery Company, LLC, in the regular course of business, engages in debt collection and is a “debt collector” as defined by Cal. Civ. Code § 1788.2(c).

24. The Defendants failed to comply with the provisions of 15 U.S.C. § 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.13(e).

25. The Defendants communicated information about the debt to the Plaintiff's extended family, without the intent of confirming the Plaintiff's location and without consent from the Plaintiff or the Plaintiff's attorney, in violation of Cal. Civ. Code § 1788.12(b).

26. The Defendants did not comply with the provisions of Title 15, Section 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.

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1 G. Punitive damages; and

2 H. Such other and further relief as may be just and proper.

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4 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

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8 DATED: April 7, 2011

LARA SHAPIRO

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11 By: /s/ Lara R. Shapiro

12 Lara R. Shapiro

13 Attorney for Plaintiff
14 Samantha McLaughlin
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